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23 Investment Consulting, Inc.**

24 UNITED STATES DISTRICT COURT
25
26 NORTHERN DISTRICT OF CALIFORNIA
27
28 SAN FRANCISCO

MARIA KARLA TERRAZA, individually and
on behalf of the SAFEWAY 401(k) Plan,

Plaintiff,

vs.

SAFEWAY INC., BENEFIT PLANS
COMMITTEE SAFEWAY INC.,
and DOES 1 to 100 inclusive,

Defendants.

Case No. 3:16-cv-03994-JST

**JOINT STIPULATION TO CONTINUE
CASE DEADLINES; ~~PROPOSED~~
ORDER**

Assigned to Hon. Jon S. Tigar

1 Plaintiff, Maria Karla Terraza, and Defendants Safeway Inc. (“Safeway”), the Benefit Plans
2 Committee Safeway Inc. n/k/a Albertsons Companies Retirement Benefit Plans Committee
3 (“Benefit Plans Committee”), Peter J. Bocian, David F. Bond, Michael J. Boylan, Robert B.
4 Dimond, Laura A. Donald, Dennis J. Dunne, Robert L. Edwards, Bradley S. Fox, Bernard L. Hardy,
5 Russell M. Jackson, Peggy Jones, Suz-Ann Kirby, Robert Larson, Melissa C. Plaisance,
6 Paul Rowan and Andrew J. Scoggin (the “Safeway Defendants”), as well as Defendant Aon Hewitt
7 Investment Consulting, Inc. (“Aon” and, collectively with the Safeway Defendants, “Defendants”),
8 through their counsel, hereby stipulate and agree that:

9 WHEREAS, Plaintiff filed a complaint against Safeway Inc. and the Benefits Plans
10 Committee Safeway Inc. on July 14, 2016;

11 WHEREAS, Plaintiff filed an Amended Complaint on November 18, 2016 (Docket No. 37);

12 WHEREAS, Plaintiff filed a Second Amended Complaint on March 31, 2017 (Docket
13 No. 72);

14 WHEREAS, Aon filed a motion to dismiss the Second Amended Complaint on June 22,
15 2017 (Docket No. 83);

16 WHEREAS, the Court entered an order granting in part and denying in part Aon’s motion
17 on December 11, 2017 (Docket No. 109);

18 WHEREAS, the Parties Stipulated to Continue Case Deadlines, and this Court has entered
19 orders continuing case deadlines on November 30, 2017 (Dkt. 108) and on February 20, 2018
20 (Dkt. 119);

21 WHEREAS, the Parties have exchanged initial disclosures, engaged in written discovery and
22 exchange of documents, and will have taken 17 fact witness depositions on or before the current
23 deadline to complete fact discovery on April 27, 2018;

24 WHEREAS, when the current deadline to complete fact discovery passes, three additional
25 depositions will remain to be taken;

26 WHEREAS, because depositions will remain outstanding when the current deadline to
27 complete fact discovery passes, the Parties will be unable to provide potential experts with all fact
28 discovery relevant to the case when fact discovery closes;

1 WHEREAS, although the Parties have been working diligently and cooperatively in the
2 discovery process and in preparing this case for trial, the Parties believe that, given the number of
3 Defendants and the scope of discovery, including the necessity of taking 20 depositions in no less
4 than five different states, the current schedule does not provide adequate time to complete discovery
5 and exchange expert reports. The Parties therefore respectfully request that the Court continue the
6 case deadlines as detailed below;¹

7 WHEREAS, the Parties have previously made two requests to extend the deadlines for
8 completing discovery and filing dispositive motions, and the pretrial and trial dates (Dkts. 108,
9 119);

10 WHEREAS, the Parties do not propose any change in the trial schedule or the remainder of
11 the pretrial schedule;

12 NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate, subject
13 to the approval of the Court, to the following schedule:

| Event | Current Deadline (Dkt. 119) | Proposed Deadline | Length of Requested Extension |
|---------------------------------------|--------------------------------|-------------------|----------------------------------|
| Deadline to complete fact discovery | April 27, 2018 | May 3, 2018 | Six Days |
| Deadline for expert disclosures | May 11, 2018 | May 22, 2018 | Eleven Days |
| Deadline for expert rebuttal | May 30, 2018 | June 8, 2018 | Nine Days |
| Deadline to complete expert discovery | June 8, 2018 | June 20, 2018 | Twelve Days |
| Deadline to file dispositive motions | June 21, 2018 | June 28, 2018 | Seven Days |

21 IT IS SO STIPULATED.

22 DATED: April 26, 2018

TRUCKER ♦ HUSS

23
24 By: /s/R. Bradford Huss
R. Bradford Huss
25 Attorneys for Defendants
26 SAFEWAY INC. and SAFEWAY BENEFIT
27 PLANS COMMITTEE

28
29 ¹ Counsel for the Parties have also met and conferred with counsel for Plaintiff in the *Lorenz* matter,
and anticipate submitting a stipulation in that case proposing an identical modification of the
schedule in that case.

1 Dated: April 26, 2018

O'MELVENY & MYERS LLP

2 By: /s/Randall W. Edwards

3 Randall W. Edwards

4 Attorneys for Defendant

AON HEWITT INVESTMENT CONSULTING,
INC.

5 Dated: April 26, 2018

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

6 By: /s/James E. Miller

7 James E. Miller

8 Attorneys for Plaintiff

MARIA KARLA TERRAZA, individually and on
behalf of the SAFEWAY 401(K) PLAN

9
10 I attest that my firm has obtained concurrence in the filing of this document from James E.
11 Miller and Randall W. Edwards.

12 DATED: April 26, 2018

13 TRUCKER ♦ HUSS

14 By: /s/R. Bradford Huss

15 R. Bradford Huss

16 Attorneys for Defendants

17 SAFEWAY INC. and BENEFIT PLANS
18 COMMITTEE SAFEWAY INC.

19 **[PROPOSED] ORDER**

20 Good cause exists for an order continuing the deadlines for completing fact and expert
21 discovery, including submitting expert disclosures and rebuttals, and filing dispositive motions to
22 the following dates:

23 May 3, 2018 – Deadline to complete fact discovery

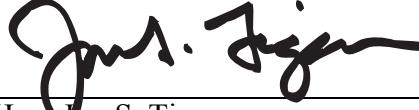
24 May 22, 2018 – Deadline for expert disclosures

25 June 8, 2018 – Deadline for expert rebuttal

26 June 20, 2018 – Deadline to complete expert discovery

27 June 28, 2018 – Deadline to file dispositive motions

28 DATED: April 27, 2018



Hon. Jon S. Tigar
United States District